

## **MINUTES**

### **UTAH Chiropractic Physician Licensing Board MEETING**

**July 12, 2007**

**Room 402 – 4th Floor – 9:00 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:01 a.m.

**ADJOURNED:** 11:55 a.m.

**Bureau Manager:**  
**Board Secretary:**

Daniel T. Jones  
Lee Avery

**Board Members Present:**

Theodore J. Scott, DC, Chairperson  
Lew Wheelwright, DC  
James D. Knight, DC  
Gordon McClean Jr., DC  
Ed Sperry

**Guests:**

Trev Wilde  
Tim Apgood

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**  
**MINUTES:**

The minutes from April 12, 2007 were reviewed. Dr. Knight motioned to accept the minutes, seconded by Dr. Wheelwright. The motion carried unanimously.

**APPOINTMENTS:**  
Mr. David Stanley, Division Director

Mr. Stanley reviewed a Memorandum regarding proposed Global Definition of Levels of Supervision. Mr. Stanley asked the Board to review this proposal and advise him of the Board's opinion before his meeting in October. After reviewing its schedule, the Board opted to change its next meeting date to October 4, 2007 to meet Mr. Stanley's request.

Dr. Derek Birch, DC, Probation Interview

Dr. Birch presented himself to the Board. Dr. Scott conducted the interview. Dr. Birch reviewed several continuing education classes in Ethics with the Board.

The Board recommended the course at Utah Valley State College (UVSC) and then the Ethics and Boundaries exam from National Board of Chiropractic Examiners (NBCE). The Board asked Dr. Birch to keep it advised of the time-line. The Board asked to see Dr. Birch October 4, 2007

**In Compliance**

**Discussion:**

The Board briefly discussion Dr. Knechtel not being in compliance with his stipulation. The Board noted he has not completed the 'ethics' course and he has not advised the Division of a current mailing address. The Board recommended an order to show cause be given to Dr. Knechtel.

The Board expressed concerns regarding Dr. Gary Whitley. Mr. Jones will check with investigations and will update the Board.

The Board briefly discussed concerns regarding Dr. Grant Hildreth. Mr. Jones stated he surrendered his license.

Dr. Keith Hansen, DC, Probation Interview

Dr. Hansen presented himself to the Board. Mr. Sperry conducted the interview. Mr. Jones stated he received an e-mail regarding the 'ethics course' and this has been placed in Dr. Hansen's file. Dr. Hansen briefly reviewed the ethics course and exam with the Board. Dr. Hansen advised the Board because of his license being on probation, his employment was ended in April 07. Dr. Hansen was advised if he is out of practice more than sixty (60) days, his probation with the Division will stop until he starts working again. The Board encouraged Dr. Hansen to continue working to overcome the obstacles and return to practice, maybe contact Professionals in Recovery for support. The Board also suggested Dr. Hansen contact Dr. Gundersen, who has offered to be a resource for the Board. The Board asked to see Dr. Hansen in October 2007

**Not In compliance.**

Dr. Daniel Knechtel, DC, Probation Interview

Dr. Knechtel failed to keep his appointment with the Board. Mr. Jones will contact the attorney's office for an Order to Show Cause.

Dr. Rosquist, DC, Probation Interview

Dr. Rosquist presented himself to the Board. Dr. Wheelwright conducted the interview. Dr. Wheelwright reviewed the stipulation with Dr. Rosquist. Dr. Rosquist stated his chaperone signs and dates patient files showing she was in attendance. Dr. Rosquist stated he has signed up for an ethics course he will be attending soon. Things are going ok in the office. Dr. Rosquist stated Jim Nicarado is his mentor. He meets with him every week by phone and Ted Conger two (2) times a month. The Board asked to see Dr. Rosquist in October.

**In Compliance**

Dr. David Hawkins, DC, Probation Interview

Dr. Hawkins presented himself to the Board. Mr. Sperry conducted the interview. The Board briefly reviewed Dr. Hawkins billing practice. The Board approved an ethics course for Dr. Hawkins to take. Mr. Jones noted this course will exceed the stipulation requirement and his continuing education (CE) requirements, if he takes the entire course. Dr. Hawkins stated he has hired an office manager to follow-up with all billing practices. Dr. Hawkins advised the Board he has a trial date of August 22 and 23 regarding charges brought by his ex-wife. Dr. Hawkins advised the Board he goes to counseling, turns to friends; he takes herbal supplements and exercises to help with the stresses in his life. Dr. Hawkins sent in a list of possible mentors for the Boards review. Dr. Hawkins stated he has signed up with AMC Affordable Management consulting. They give him a coach he talks with weekly who helps with the business practice. The Board approved this. The Board asked to see Dr. Hawkins in October. **In Compliance**

Dr. Bruce Van Gundersen, DC, Probation  
Interview

Dr. Gundersen presented himself to the Board. Dr. Wheelwright conducted the interview. The Board noted Dr. Gundersen's probation ends in August 2007. The Board encouraged Dr. Gundersen to continue following the guidelines of his stipulation as these will help keep him out of trouble. Dr. Gundersen advised the Board he is willing to help the Board and be a resource when needed. He continues to work with Arrow Point, a counseling clinic for sexual offenders, noting this has been very helpful in many ways.

**Discussion:**

The Board briefly discussed Dr. Futrell's file. Dr. Futrell employed a massage therapist, they took turns giving massages. She became uncomfortable with the massages and reported it.

Dr. Gregory Futrell, DC, New Probation  
Interview

Dr. Futrell presented himself to the Board. Dr. Knight conducted the interview. The Board reviewed with the Board the reasons his license is on probation. Dr. Futrell stated he inappropriately touched a Massage Therapist working in his office. They had an agreement to give each other massages. These had taken place many times. This last time he touched her under the covers. When she told him to stop he did. The police were contacted however, charges were not filed. The Board advised Dr. Futrell he needs to take an Ethics and Boundaries course, then contact the National Boards of Chiropractic Examiners (NBCE) for the ethics exam. Dr. Futrell stated he has set up a chaperone. He keeps his door open from now on. The Stipulation states the chaperone needs to be in the line of sight and identify Chaperone in the patient's records. The Board encouraged Dr. Futrell to review the Chiropractic statutes and rules and when he meets with the Board again, to bring back a plan of action for the following:

1. Which ethics course he will be attending.
  2. Something more substantial in how he will be handling the line of sight with his chaperone and female patients.
  3. Notifying the staff regarding why they are required to be chaperones and have them sign a statement.
- The Board asked to see Dr. Futrell in October 2007.

**DISCUSSION:**

Consistent verbiage in Memorandum of Understanding (MOU)'s and Stipulations for all probationers

Mr. Jones advised the Board he is working to keep the Stipulations and Memorandum of Understanding between the probationers more consistent.

Reference Material information obtained from the Convention for the Ethics and Boundary exam.

Tabled until the October meeting.

**Discussion not on the agenda:**

Mr. Jones advised the Board the investigation regarding Dr. Gary Whitley is still pending. Mr. Jones will update the Board at its next meeting.

Mr. Jones briefly reviewed with the Board the problems with Dr. Grant Hildreth and stated Dr. Grant Hildreth surrendered his license. If he is found not guilty and wants to come before this Board, he will need to meet with the Board.

Next Board meeting October 4, 2007,  
Note the change in date

**BUSINESS FROM PREVIOUS MEETING:**

None

Motion to adjourn by Dr. Knight

**ADJOURN:**

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

October 11, 2007  
Date Approved

(ss) Theodore J. Scott  
Chairperson, Utah Chiropractic Physician Licensing Board

October 11, 2007  
Date Approved

(ss) Daniel T. Jones  
Bureau Manager, Division of Occupational & Professional Licensing